

FILED

JUL 25 2016

UNITED STATES DISTRICT COURT

for the
Eastern District of North CarolinaJULIE RICHARDS JOHNSTON, CLERK
US DISTRICT COURT, EDNC
BY MLB DEP CLK

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)INFORMATION ASSOCIATED WITH FACEBOOK
USER ID 100003898261724 THAT IS STORED AT
PREMISES CONTROLLED BY FACEBOOK INC.

Case No. 5:16-MJ-1641-JG

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):
Please see Attachment A, incorporated as if fully restated hereinlocated in the Northern District of California, there is now concealed (identify the person or describe the property to be seized):
Please see Attachment B, incorporated as if fully restated herein

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

| Code Section | Offense Description |
|-------------------------------|---|
| 18 U.S.C. §§ 1591, 2423, 2421 | sex trafficking, transportation of minor with intent that person engage in |
| 2422 | prostitution, transportation of a person with the intent that person engage in |
| | prostitution, inducement of person or minor to travel to engage in prostitution |

The application is based on these facts:
Please see the attached affidavit incorporated as if fully restated herein☒ Continued on the attached sheet.☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.On this day, Michael R. Pendley
appeared before me via reliable electronic means, was
placed under oath, and attested to the contents of this
Application for a Search Warrant.Date: 25 JULY 2016City and state: Raleigh, North Carolina

Applicant's signature

Michael R. Pendley, FBI Special Agent

Printed name and title

Judge's signature

JAMES E. GATES, U.S. MAGISTRATE JUDGE

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

IN THE MATTER OF THE SEARCH OF
INFORMATION ASSOCIATED WITH
FACEBOOK USER ID 100003898261724
THAT IS STORED AT PREMISES
CONTROLLED BY FACEBOOK INC.

Case No. _____

Filed Under Seal

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, Michael R. Pendley, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant for information associated with a certain Facebook user ID that is stored at premises owned, maintained, controlled, or operated by Facebook Inc. (Facebook), a social networking company headquartered in Menlo Park, California. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Facebook to disclose to the government records and other information in its possession, pertaining to the subscriber or customer associated with the user ID.

2. I am a Special Agent with the Federal Bureau of Investigation (FBI), and have been since September 7, 2014. Your affiant is currently assigned to the Charlotte Division, Raleigh Resident Agency, Raleigh, North Carolina, to investigate violations of federal law. Prior to becoming a Special Agent with the FBI, your affiant was an Intelligence Analyst with the FBI from September 2012 to September 2014. Prior to that, your affiant was a Staff Operations Specialist, an investigative support position, with the FBI from August 2008 to September 2012.

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Your affiant has also conducted and assisted in numerous criminal investigations to include human trafficking, public corruption, gangs, counterterrorism, and bankruptcy fraud matters. Your affiant is familiar with the customary practices, procedures, tactics and terminology used by persons engaged in human trafficking. Your affiant is familiar with the use of social media websites by subjects in promoting and facilitating the trafficking of individuals in the commercial sex trade.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of 18 U.S.C. § 1591 (sex trafficking by force, fraud or coercion or sex trafficking of a minor), 18 U.S.C. § 2423 (transportation of minors with intent to engage in criminal sexual activity or illicit sexual conduct), 18 U.S.C. § 2421 (transportation of an individual with intent that the individual engage in prostitution), and 18 U.S.C. § 2422 (inducement of an individual to travel interstate to engage in prostitution or use of any means of interstate commerce to induce a minor to engage in prostitution) have been committed against T.W., the user of Facebook user ID 100003898261724. There is also probable cause to search the information described in Attachment A for evidence of these crimes and contraband or fruits of these crimes, as described in Attachment B.

PROBABLE CAUSE

Facts Underlying Investigation

5. On November 2, 2015, SA Pendley interviewed Precilla Sutton concerning her minor daughter, T.W. Sutton stated that her minor daughter, age 15, was advertised for prostitution on website backpage.com under the names "Ashanti" and "Serenity." Sutton recognized photographs of T.W. in a backpage.com advertisement associated with post ID 23875635. William Maurice Saddler informed Sutton that her daughter was being prostituted by Corvon Ward, later identified as Kenneth Corvon Ward.

6. SA Pendley again interviewed Sutton on December 3, 2015. Sutton informed SA Pendley that her daughter was recently posted on backpage.com. Sutton provided SA Pendley with electronic copies of the advertisements (post ID 24952145, post ID 24028238, post ID 23959466), which indicated T.W. was prostituting off of Glenwood Avenue in Raleigh, North Carolina, under the name "Ashanti." Sutton stated that the advertisements appeared on backpage on December 1, 2015, and December 3, 2015. On November 28, 2015, T.W. admitted to her mother that she was being pimped out by "Von," an alias for Ward. T.W. also stated she was Ward's "top ho."

7. On December 3, 2015, SA Pendley informed Raleigh Police Department (RPD) of the prostitution of T.W. off of Glenwood Avenue and sought their assistance in locating the minor. On December 5, 2015, a new advertisement appeared on www.backpage.com for "Ashanti" indicating she was located in the Raleigh area. The advertisement (post ID 24952145) indicated "Ashanti" and "Paris" were located in Garner, North Carolina, and were available for two-girl appointments. RPD, based on cellular telephone location data, placed T.W. in the near vicinity of Econo Lodge, 602-232 Mechanical Blvd., Garner, North Carolina. RPD Detectives

responded to the Econo Lodge and obtained a room rental list indicating Yadyra Brown, girlfriend and prostitute of Ward, was staying in room 232 of the hotel. Based on this information, RPD obtained and executed a search warrant for room 232 of Econo Lodge, 602-232 Mechanical Blvd, Garner, on December 5, 2015. At the time the search warrant was executed, RPD observed Ward flee the Econo Lodge in a white Chrysler 200, Virginia tag VHD-5804. Ward abandoned the vehicle and eluded RPD on foot. T.W. and Yadyra Brown, aka "Paris," were found inside room 232. T.W. and Brown were taken back to RPD for interview. Brown was later arrested for promoting the prostitution of a minor, and T.W. was placed in secure custody. An arrest warrant was taken out for Ward.

8. Soon after the execution of the search warrant, T.W. began receiving care at Strategic Behavioral Center, located in Garner, North Carolina. T.W. agreed to be interviewed several times while at Strategic Behavioral Center. During these interviews, T.W. acknowledged that she was prostituted by three different men: William Maurice Saddler, Bobby Ray Williams, Jr., and Kenneth Corvon Ward.

9. T.W. met Saddler when she was either 13 or 14 years old when she lived off of Minchew Street in Wilson, North Carolina. T.W. used to "go with" Saddler. The relationship progressed to where T.W. and Saddler were having sex. During the summer of 2015, Saddler began to take T.W. to Mexican migrant camps in the Wilson County and Greene County areas to have sex with migrant workers in exchange for money. Saddler's brother, Bobby Ray Williams, Jr., also took T.W. to the Mexican migrant camps to have sex with the migrant workers in exchange for money. During one interview, SA Pendley presented T.W. with a photograph of the residence located at 404 Galloway Road, Walstonburg, North Carolina 27888. T.W. recognized

the residence as one of the Mexican migrant camps she was taken to by Saddler and Williams to prostitute.

10. SA Pendley conducted several interviews of migrant workers who resided at 404 Galloway Road, Walstonburg, North Carolina 27888, during the summer of 2015. Several of the workers confirmed they paid to have sex with T.W. and identified either Saddler or Williams as the individual they had to pay.

11. T.W. communicated with Saddler and Williams via Facebook while prostituting for them in the summer of 2015. On May 10, 2016, T.W. provided SA Pendley with screenshots of Facebook messages she received from Saddler and Williams. T.W. noted that Williams communicated with her through his nephew, Delvin Super, Jr. T.W. believed that Williams was the true user of the Facebook profile belonging to Super. Williams used Super's Facebook profile to conceal his identity from T.W.'s mother, who had access to T.W.'s Facebook account. The conversations between T.W. and Williams that T.W. provided spanned from October 7, 2015, to March 6, 2016. T.W. provided a single conversation that occurred between T.W. and Saddler on October 8, 2015.

12. T.W. identified Saddler's girlfriend, Temeeeka Neshaune Honey, as someone who frequently drove her to be prostituted. Honey was aware of that T.W. was prostituting for Saddler and communicated with T.W. about her activity on September 29, 2015, via Facebook. Honey sent the below message to T.W.:

TEMEEKA NESHANUE HONEY

Hey u outt here fucking and sucking for money and reece them just using u u doing to much bby aids is outt here u sending naked pic ur mother gone find you dead bby it's not safe reece putting u off on niggers reece gets all the money and wat u get a few \$\$ do

*your mother know bout this I would [heart symbol] to talk to her bby aids is out here
condoms don't protect crabs then u sucking dick and they eating u too you not 21 how old
are u u selling ur body for 20 25 Sand sucking dick for 15 10 y I'm Sadd to hear this these
men don't care about u*

TEMEEKA NESHAUNE HONEY

U 15

T.W.

No n who are you??

13. The migrant workers with whom T.W. had sex with in 2015 come into the United States from Mexico on a seasonal basis. Last year, workers arrived in North Carolina to begin work in April 2015 and stayed until November 2015 (approximately). Given that Saddler and Williams prostituted T.W. based on the migrant workers returning to North Carolina, Saddler and Williams may have started prostituting T.W. as early as April 1, 2015. Williams's attempts to contact T.W. via Facebook continued until March 6, 2016. Therefore, the period of time during which Williams, Saddler, and Honey, may have communicated with T.W. via Facebook spanned from April 1, 2015, to March 6, 2016.

14. Based on my knowledge and experience of working human trafficking investigations, those involved in the commercial sex trade will communicate with their victims and clients via social media, to include Facebook. Given that several instances have already been documented in which those contributing to T.W.'s prostitution communicated with her via Facebook, there is probable cause to believe evidence of crimes committed against T.W. can be found within any messages, records, files, logs associated with T.W.'s Facebook account.

Facts about Facebook

15. Facebook owns and operates a free-access social networking website of the same name that can be accessed at <http://www.facebook.com>. Facebook allows its users to establish accounts with Facebook, and users can then use their accounts to share written news, photographs, videos, and other information with other Facebook users, and sometimes with the general public.

16. Facebook asks users to provide basic contact and personal identifying information to Facebook, either during the registration process or thereafter. This information may include the user's full name, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers (for password retrieval), physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers. Facebook also assigns a user identification number to each account.

17. Facebook users may join one or more groups or networks to connect and interact with other users who are members of the same group or network. Facebook assigns a group identification number to each group. A Facebook user can also connect directly with individual Facebook users by sending each user a "Friend Request." If the recipient of a "Friend Request" accepts the request, then the two users will become "Friends" for purposes of Facebook and can exchange communications or view information about each other. Each Facebook user's account includes a list of that user's "Friends" and a "News Feed," which highlights information about the user's "Friends," such as profile changes, upcoming events, and birthdays.

18. Facebook users can select different levels of privacy for the communications and information associated with their Facebook accounts. By adjusting these privacy settings, a Facebook user can make information available only to himself or herself, to particular Facebook

users, or to anyone with access to the Internet, including people who are not Facebook users. A Facebook user can also create "lists" of Facebook friends to facilitate the application of these privacy settings. Facebook accounts also include other account settings that users can adjust to control, for example, the types of notifications they receive from Facebook.

19. Facebook users can create profiles that include photographs, lists of personal interests, and other information. Facebook users can also post "status" updates about their whereabouts and actions, as well as links to videos, photographs, articles, and other items available elsewhere on the Internet. Facebook users can also post information about upcoming "events," such as social occasions, by listing the event's time, location, host, and guest list. In addition, Facebook users can "check in" to particular locations or add their geographic locations to their Facebook posts, thereby revealing their geographic locations at particular dates and times. A particular user's profile page also includes a "Wall," which is a space where the user and his or her "Friends" can post messages, attachments, and links that will typically be visible to anyone who can view the user's profile.

20. Facebook allows users to upload photos and videos, which may include any metadata such as location that the user transmitted when s/he uploaded the photo or video. It also provides users the ability to "tag" (i.e., label) other Facebook users in a photo or video. When a user is tagged in a photo or video, he or she receives a notification of the tag and a link to see the photo or video. For Facebook's purposes, the photos and videos associated with a user's account will include all photos and videos uploaded by that user that have not been deleted, as well as all photos and videos uploaded by any user that have that user tagged in them.

21. Facebook users can exchange private messages on Facebook with other users. These messages, which are similar to e-mail messages, are sent to the recipient's "Inbox" on

Facebook, which also stores copies of messages sent by the recipient, as well as other information. Facebook users can also post comments on the Facebook profiles of other users or on their own profiles; such comments are typically associated with a specific posting or item on the profile. In addition, Facebook has a Chat feature that allows users to send and receive instant messages through Facebook. These chat communications are stored in the chat history for the account. Facebook also has a Video Calling feature, and although Facebook does not record the calls themselves, it does keep records of the date of each call.

22. If a Facebook user does not want to interact with another user on Facebook, the first user can "block" the second user from seeing his or her account.

23. Facebook has a "like" feature that allows users to give positive feedback or connect to particular pages. Facebook users can "like" Facebook posts or updates, as well as webpages or content on third-party (*i.e.*, non-Facebook) websites. Facebook users can also become "fans" of particular Facebook pages.

24. Facebook has a search function that enables its users to search Facebook for keywords, usernames, or pages, among other things.

25. Each Facebook account has an activity log, which is a list of the user's posts and other Facebook activities from the inception of the account to the present. The activity log includes stories and photos that the user has been tagged in, as well as connections made through the account, such as "liking" a Facebook page or adding someone as a friend. The activity log is visible to the user but cannot be viewed by people who visit the user's Facebook page.

26. Facebook Notes is a blogging feature available to Facebook users, and it enables users to write and post notes or personal web logs (blogs), or to import their blogs from other services, such as Xanga, LiveJournal, and Blogger.

27. The Facebook Gifts feature allows users to send virtual "gifts" to their friends that appear as icons on the recipient's profile page. Gifts cost money to purchase, and a personalized message can be attached to each gift. Facebook users can also send each other "pokes," which are free and simply result in a notification to the recipient that he or she has been "poked" by the sender.

28. Facebook also has a Marketplace feature, which allows users to post free classified ads. Users can post items for sale, housing, jobs, and other items on the Marketplace.

29. In addition to the applications described above, Facebook also provides its users with access to thousands of other applications (apps) on the Facebook platform. When a Facebook user accesses or uses one of these applications, an update about that the user's access or use of that application may appear on the user's profile page.

30. Facebook uses the term "Neoprint" to describe an expanded view of a given user profile. The "Neoprint" for a given user can include the following information from the user's profile: profile contact information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications.

31. Facebook also retains Internet Protocol (IP) logs for a given user ID or IP address. These logs may contain information about the actions taken by the user ID or IP address on Facebook, including information about the type of action, the date and time of the action, and the user ID and IP address associated with the action. For example, if a user views a Facebook

profile, that user's IP log would reflect the fact that the user viewed the profile, and would show when and from what IP address the user did so.

32. Social networking providers like Facebook typically retain additional information about their users' accounts, such as information about the length of service (including start date), the types of service utilized, and the means and source of any payments associated with the service (including any credit card or bank account number). In some cases, Facebook users may communicate directly with Facebook about issues relating to their accounts, such as technical problems, billing inquiries, or complaints from other users. Social networking providers like Facebook typically retain records about such communications, including records of contacts between the user and the provider's support services, as well as records of any actions taken by the provider or user as a result of the communications.

33. As explained herein, information stored in connection with a Facebook account may provide crucial evidence of the "who, what, why, when, where, and how" of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or alternatively, to exclude the innocent from further suspicion. In my training and experience, a Facebook user's "Neoprint," IP log, stored electronic communications, and other data retained by Facebook, can indicate who has used or controlled the Facebook account. This "user attribution" evidence is analogous to the search for "indicia of occupancy" while executing a search warrant at a residence. For example, profile contact information, private messaging logs, status updates, and tagged photos (and the data associated with the foregoing, such as date and time) may be evidence of who used or controlled the Facebook account at a relevant time. Further, Facebook account activity can show how and when the account was accessed or used. For example, as described herein, Facebook logs the Internet Protocol (IP) addresses from which

users access their accounts along with the time and date. By determining the physical location associated with the logged IP addresses, investigators can understand the chronological and geographic context of the account access and use relating to the crime under investigation. Such information allows investigators to understand the geographic and chronological context of Facebook access, use, and events relating to the crime under investigation. Additionally, Facebook builds geo-location into some of its services. Geo-location allows, for example, users to "tag" their location in posts and Facebook "friends" to locate each other. This geographic and timeline information may tend to either inculcate or exculpate the Facebook account owner. Last, Facebook account activity may provide relevant insight into the Facebook account owner's state of mind as it relates to the offense under investigation. For example, information on the Facebook account may indicate the owner's motive and intent to commit a crime (e.g., information indicating a plan to commit a crime), or consciousness of guilt (e.g., deleting account information in an effort to conceal evidence from law enforcement).

34. Therefore, the computers of Facebook are likely to contain all the material described above, including stored electronic communications and information concerning subscribers and their use of Facebook, such as account access information, transaction information, and other account information.

INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED

35. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant to require Facebook to disclose to the government copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B.

Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

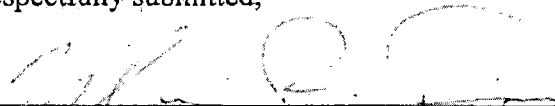
CONCLUSION

36. Based on the forgoing, I request that the Court issue the proposed search warrant.

37. This Court has jurisdiction to issue the requested warrant because it is "a court of competent jurisdiction" as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A) and (c)(1)(A). Specifically, the is "a district court of the United States . . . that - has jurisdiction over the offense being investigated." 18 U.S.C. § 2711(3)(A)(i).

38. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant.

Respectfully submitted,



Michael R. Pendley
Special Agent
Federal Bureau of Investigation

On this day, Michael R. Pendley, 2016, appeared before me via reliable electronic means, was placed under oath, and attested to the contents of this affidavit.



JAMES E. GATES
UNITED STATES MAGISTRATE JUDGE

25 JULY 2016

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ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with the Facebook user ID 100003898261724 that is stored at premises owned, maintained, controlled, or operated by Facebook Inc., a company headquartered in Menlo Park, California.

ATTACHMENT B

I. Information to be disclosed by Facebook

To the extent that the information described in Attachment A is within the possession, custody, or control of Facebook Inc. (Facebook), including any messages, records, files, logs, or information that have been deleted but are still available to Facebook, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Facebook is required to disclose the following information to the government for each user ID listed in Attachment A:

- (a) All contact and personal identifying information, including: full name, user identification number, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.
- (b) All activity logs for the account and all other documents showing the user's posts and other Facebook activities;
- (c) All photos and videos uploaded by that user ID and all photos and videos uploaded by any user that have that user tagged in them;
- (d) All profile information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications;

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- (e) All other records of communications and messages made or received by the user, including all private messages, chat history, video calling history, and pending "Friend" requests;
- (f) All "check ins" and other location information;
- (g) All IP logs, including all records of the IP addresses that logged into the account;
- (h) All records of the account's usage of the "Like" feature, including all Facebook posts and all non-Facebook webpages and content that the user has "liked";
- (i) All information about the Facebook pages that the account is or was a "fan" of;
- (j) All past and present lists of friends created by the account;
- (k) All records of Facebook searches performed by the account;
- (l) All information about the user's access and use of Facebook Marketplace;
- (m) The types of service utilized by the user;
- (n) The length of service (including start date) and the means and source of any payments associated with the service (including any credit card or bank account number);
- (o) All privacy settings and other account settings, including privacy settings for individual Facebook posts and activities, and all records showing which Facebook users have been blocked by the account;
- (p) All records pertaining to communications between Facebook and any person regarding the user or the user's Facebook account, including contacts with support services and records of actions taken.

II. Information to Be Seized by the Government:

All information described above in Section I that constitutes:

1. Evidence, fruits, contraband, and instrumentalities of violations 18 U.S.C. § 1591 (sex trafficking by force, fraud or coercion or sex trafficking of a minor), 18 U.S.C. § 2423 (transportation of minors with intent to engage in criminal sexual activity or illicit sexual conduct), 18 U.S.C. § 2421 (transportation of an individual with intent that the individual engage in prostitution), and 18 U.S.C. § 2422 (inducement of an individual to travel interstate to engage in prostitution or use of any means of interstate commerce to induce a minor to engage in prostitution) (the subject violations); or
2. Any item constituting contraband due to the subject violations, fruits of the subject violations, or other items possessed whose possession is illegal due to the subject violations; or
3. Any property designed for use, intended for use, or used in committing any subject violations.

Subject to the foregoing, the information to be searched for and seized includes but is not limited to information pertaining to the following:

- (a) Evidence indicating T.W.'s victimization in the commercial sex trade.
- (b) Evidence indicating how and when the Facebook account was accessed or used, to determine the chronological and geographic context of account access, use, and events relating to the crime under investigation and to the Facebook account owner;
- (c) Evidence indicating the Facebook account owner's state of mind as it relates to the crime under investigation;

- (d) The identity of the person(s) who created or used the user ID, including records that help reveal the whereabouts of such person(s).